

REMARKS / ARGUMENTS

In complete response to the outstanding Official Action of August 4 2008, on the above-identified application, reconsideration is respectfully requested. Claims 7, 8, and 10 - 12 remain in this application. With this paper, claim 9 has been cancelled without prejudice.

Claim Rejections Under 35 U.S.C. § 102

Claims 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Syte et al '589. Applicants respectfully submit that claims 7 and 8 are not anticipated by Syte et al '589.

Syte et al '589 fails to disclose, at least, "a first intermediate storage tank (V3)" which "receives quenching gas from the cell and feeds the compressor/booster set, and is located on a bypass of the main line" as required in element b) of Claim 7. The system disclosed in Syte et al. '589 clearly has a quenching chamber (20) that discharges the spent quenching gas through butterfly valve 54. At which time this quenching gas is continuously treated (membrane 30, catalyst 36, separator 47) and compressed (oil flooded screw compressor 25, diaphragm compressor 27) and then collected in quenching gas ballast tank 48. Once the pressure within quenching gas ballast tank 48 reaches a certain level, butterfly valve 54 closes and the quenching process is initiated. No where in the figures or in the description is an intermediate storage tank that collects the quenching gas then feeds the compressors or boosters disclosed.

Hence, since every element of claim 7 is not disclosed in Syte et al '589, the anticipation rejection is improper and must be withdrawn. As claim 8 is dependent upon claim 7, the rejection as pertains to this claim is improper as well.

Claim Rejections Under 35 U.S.C. § 103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sype et al. '589 further in view of Pelissier '551. Claim 9 has been cancelled, thereby rendering this rejection moot.

Claims 10 - 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sype et al. '589 further in view of Bowe. As discussed above, Sype et al. '589 fails to disclose all the elements of claim 7, and Bowe fails to remedy this deficiency. Hence, claims 10 – 12 are not obvious over Sype et al. '589 either alone or in combination with Bowe. Hence there rejections are moot and must be withdrawn.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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